

August 8, 2011

A REGULAR MEETING of the Akron Village Board was held on this date at 7:34 p.m. Present: Mayor Carl E. Patterson, Trustees, Michael R. Middaugh, Kathryn A. Capan and Brian D. Wittlinger; Village Attorney Daniel D. Shonn, Clerk Treasurer Daniel P. Borchert, Chief of Police Richard Lauricella, Code Enforcement Officer Ralph Migliaccio and Super Chief Jon Cummings.

Mayor Carl E. Patterson led us in the pledge to the flag.

RESOLUTION duly moved by Middaugh seconded by Capan, that the Minutes of the Regular Meeting of July 11, 2011 and the Minutes of the Special Meeting held July 25, 2011 be and hereby are approved by the Village Board.

ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

RESOLUTION, duly moved by Wittlinger seconded by Middaugh that the audit of bills is approved, and the Treasurer authorized to pay same in accordance with the following abstract of audit vouchers:

| | |
|-----------------|--------------|
| General Fund | \$ 78,328.89 |
| Electric Fund | \$159,405.52 |
| Water Fund | \$104,153.24 |
| Sewer Fund | \$ 24,785.26 |
| Capital Streets | \$179,113.12 |

ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Middaugh and seconded by Wittlinger that the following building permits be and hereby are approved with the applications and approval of the Code Enforcement Officer:

| | | | |
|------------------|---------------------|----------------|---------|
| Daric Brege | 49 Clarence Ctr. Rd | Roof | \$25.00 |
| Corrie Domres | 4 Madison Avenue | Roof | \$25.00 |
| John McCollister | 37 Shepard Avenue | Fence | \$18.00 |
| Paul Sardina | 19 Hoag Avenue | Porch | \$25.00 |
| Mary Sellers | 5 Brooklyn Street | Roof | \$25.00 |
| David Pann | 180 Main Street | Roof | \$25.00 |
| Gary Betzold | 17 Kibler Avenue | Roof | \$25.00 |
| Scott Wild | 25 Newton Avenue | Patio | \$25.00 |
| Tracy Oakes | 20 Clinton Street | Remodel | \$25.00 |
| David Raquet | 41 Cedar Street | Covered Porch | \$25.00 |
| Charles Kopp | 87 John Street | Fence | \$18.00 |
| David Alexander | 83 John Street | Fence | \$18.00 |
| Thomas Smart | 8 Cedar Street | Windows/Siding | \$25.00 |
| Brian Stempniak | 178 Main Street | Garage | \$72.00 |
| Mina Zimmerman | 63 Marshall Avenue | Windows/Siding | \$25.00 |
| Michelle White | 17 Crescent Drive | Pool/Deck | \$25.00 |

ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

RESOLUTION duly moved by Capan and seconded by Middaugh that the following dumpster permit be and hereby is approved with the applications and approval of the Code Enforcement Officer:

Mary Sellers 5 Brooklyn Street 30 day \$20.00

ADOPTED CARL E. PATTERSON - AYE
 MICHAEL R. MIDDAUGH - AYE
 KATHRYN A. CAPAN - AYE
 BRIAN D. WITTLINGER - AYE

PUBLIC HEARING – none scheduled

APPEARANCES –

Jeff Cheavacci – Deposit Depot 52 Cedar Street- discussed at work session.

Brian & Kathy Warren from 76 Parkview Drive came before the Board to discuss their sewer situation. For the past twelve years they have had issues with their sewer and recently decided to fix the problem. As they investigated the problem they found that their sewer line hooks up to the Village on Route 93 which crosses a neighbor's property. There is no sewer connection in the front of their property for the connection ends next door at 74 Parkview Drive or across the street. Super Chief Jon Cummings stated that he has worked with Brian trying to fix the problem with limited destruction to the neighbor's property but feels the best plan would be to have the Village extend the sewer line down from 74 Parkview Drive to Brian's property so he can hook up there. Village Attorney Shonn verified that it is the Village's responsibility to extend the sewer line to Brian's property. After further discussion Super Chief Jon Cummings will get together with the Warren's to discuss the time table to accomplish the project.

Neil Marzloff from Erie Street in Darien came before the Board to request permission for his son to hook up to the Village Water Line. Village Attorney Don Shonn took their information and explained the procedures. More to follow

PUBLIC COMMENT –

PROJECT REPORTS –

Joint Facility – Friday August 12th is the next joint meeting. Public Works Secretary Syndee Shepard requested a parking spot with her name on it.

Marshall Avenue Waterline and Street Reconstruction – Super Chief Cummings recommended to the Board to hold off on the project until spring when the whole project can be completed in a timely and orderly fashion without interruption due to winter weather.

MONTHLY REPORTS –

Departments –

Attorney – all items on the agenda. Will work with the gentleman who is interested in connecting to Village of Akron Water supply

Clerk-Treasurer – The Board received the Clerk's report for July 2011, together with the August 2011 office schedule. Clerk-Treasurer Borchert reported that the 4th recycling event was another success. Mayor Patterson stated his surprise at the volume of electronic recyclables that the Village received this month after already having 3 recycling events.

Chief of Police – Submitted to the Board the report for July 2011 and the schedule for August 2011. Chief Lauricella reported: several out of town residents were removed

from Akron Falls Park for swimming by the falls and Officer Chris Heiderman was directly involved in arresting two men in a possible burglary. Lastly Crossing Guard Nanette Reinard conveyed to Chief Lauricella that she would be available on a limited part-time basis, therefore, Crossing Guard Cheryl Wittlinger agreed to take over the additional hours remaining. Chief Lauricella recommended moving Cheryl Wittlinger from hire rate to Grade 2 Step 3.

RESOLUTION duly moved by Middaugh and seconded by Capan to move part-time Crossing Guard Cheryl Wittlinger from hire rate to Grade 2 Step 3 be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
 MICHAEL R. MIDDAUGH - AYE
 KATHRYN A. CAPAN - AYE

Trustee Wittlinger abstained from voting on the above Resolution.

Super Chief of Public Works – nothing new to report

Code Enforcement Officer – reported attending Code School July 19 – 21, 2011. Trustee Middaugh questioned the progress of proposed demolition of the house at 208 East Avenue. Attorney Shonn stated they were waiting on paperwork. Trustee Wittlinger asked Code Enforcer Migliaccio if he could check on overgrown bushes obstructing the side walk on the corner of John Street and Marshall Avenue.

CAMDEN GROUP – representative Ken Scherrieble reported that things are going well at the Sewer Plant as they proceed with the summer maintenance projects. Mr. Scherrieble will have a report for August and September at the September 19th Village Board meeting.

Elected Officials –

JUSTICE COURT REPORT – Board received the monthly report from July 2011.

TRUSTEES – COORDINATORS

Trustee Capan – nothing to report

Trustee Middaugh –nothing to report

Mayor Patterson – reported that he will be attending a County Executive meeting on August 30, 2011 where discussion will be held regarding the Emergency Response Center.

Mayor Patterson wanted to acknowledge Buffalo News reporter Laura Winchester on a nice article about the Akron Band featuring an interview with 75 year member Robert Anderson.

Lastly Mayor Patterson wanted to thank Bedford's Greenhouse, Lions Club and the Chamber of Commerce for the beautiful hanging baskets which hang along Main Street. Thanks also goes to the Public Works Department for keeping the baskets well watered and for doing all the little things around the Village that has made a difference in its appearance.

Trustee Forrestel – absent

Trustee Wittlinger – attended the Fire/Police Committee meeting where discussion was held regarding the fire contract and by-laws. The next meeting is scheduled for Monday August 15, 2011 where the discussion will continue.

OLD BUSINESS

Mitigation of Murder Creek – project has begun and is progressing accordingly

Village Court – scheduled to be on the work session for next month

Akron Airport – discussed in this evening’s work session

Ron Berry Memorial Fields –nothing new to report

Bloomington Avenue and John Street Reconstruction – received notice of pre-letting meeting on August 11, 2011 at 11:00 am at 95 Franklin Street, Buffalo

Clinton Street/Eckerson Avenue Village Land – awaiting the return of Trustee Forrestel to proceed

Public Works Facility at 43 East Avenue – Attorney Shonn asked Clerk Treasurer Borchert to check to see if the Village has any land assessment or easement paperwork associated with this property.

NEW BUSINESS

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to allow Clerk-Treasurer Borchert to attend the NYCOM Fall Training School from September 19- September 24, 2011 at the Saratoga Hilton in Saratoga Springs, NY at a cost of \$1,372.20 (NYCOM registration \$240.00 & 4 night hotel stay at \$283.05/night) plus travel be and hereby is approved.

ADOPTED CARL E. PATTERSON - AYE
MICHAEL R. MIDDAUGH - AYE
KATHRYN A. CAPAN - AYE
BRIAN D. WITTLINGER - AYE

A RESOLUTION AUTHORIZING THE PURCHASE OF A NEW SNOW PLOW, VILLAGE OF AKRON, ERIE COUNTY, NEW YORK, AT AN ESTIMATED MAXIMUM COST OF \$99,828.00, AND AUTHORIZING THE ISSUANCE OF \$99,828.00 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, pursuant to the proceedings hereto had and taken in accordance with the provisions of Article 4 of the Village Law, the Village Board of Trustees of the Village of Akron, Erie County, New York, has determined it to be in the public interest to purchase a new Snow Plow for said Village; and

WHEREAS, it is now desired to authorize the purchase a new Snow Plow for the Village of Akron, Erie County, New York, at an estimated cost of \$99,828.00 and authorizing the issuance of \$99,828.00 serial bonds, and to provide for the financing thereof in accordance with the aforesaid order;

NOW, THEREFORE, BE IT

RESOLVED, by the Village Board of Trustees of the Village of Akron, Erie County, New York, as follows:

Section 1. The purchase a new Snow Plow for the Village of Akron, Erie County, New York, at an estimated cost of \$99,828.00, and authorizing the issuance of \$99,828.00 serial bonds, in and for the Village of Akron, Erie County, New York, as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$99,828.00 and the plan for financing thereof is \$99,828.00 by the issuance of the serial bonds, in installment form, of said Village hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Village Board of Trustees.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of

paragraph (a) of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized is fifteen years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and said of the serial bonds herein authorized, including renewals of such note, is hereby delegated to the Village Clerk-Treasurer, the chief fiscal officer. Such note shall be of such terms, form and contents and shall be sold in such manner, as may be prescribed by said Village Clerk-Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Akron, Erie County, New York, is hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. All the taxable real property in said Village shall be subject to the levy of ad valorem taxes without limitation as to the rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

The provision of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

Such obligations are not authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in the Akron Bugle, the official newspaper, together with a notice of the Village Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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| ADOPTED | CARL E. PATTERSON | - AYE |
| | MICHAEL R. MIDDAUGH | - AYE |
| | KATHRYN A. CAPAN | - AYE |
| | BRIAN D. WITTLINGER | - AYE |

RESOLUTION duly moved by Middaugh and seconded by Wittlinger to accept the Bid of FM Communications for the purchase of a video camera surveillance system in the Police Station in the amount of \$4,850 to be paid in full under the DCJS Grant Award to the Village of Akron Police Department be and hereby is approved.

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|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON | - AYE |
| | MICHAEL R. MIDDAUGH | - AYE |
| | KATHRYN A. CAPAN | - AYE |
| | BRIAN D. WITTLINGER | - AYE |

CORRESPONDENCE

Village Planning Board Minutes from May 31, 2011

Town of Amherst – Central Fire Alarm July 2011 Operations Report

NYCOM Fall Training School September 19-23, 2011 in Saratoga Springs, NY

Time Warner Cable soon to be expiring agreements with programmers and
broadcasters and line-up changes

William Schutt & Associates July 2011 Monthly Summary Report

Pre-Letting Meeting Thursday August 11, 2011 @ 11:00 am at 95 Franklin Street
regarding the Reconstruction of John Street from Cedar Street to Bloomingdale Avenue
Project No CAP 573-11

Letter from Village resident Charles Carter regarding comments about the Akron
Airport

PUBLIC COMMENT – Marilyn Kasperek from the Akron Band informed the
Board on August 19th the Band will be recognizing resident and band member Robert
Anderson for his 75 years of commitment to the Akron Band. She also wanted to thank
the Department of Public Works for their help in the underground wiring project at
Russell Park which has helped make it faster and easier the Band to set-up.

Resident Syndee Shepard spoke to the Board regarding youth who are out and
about causing trouble or committing burglaries, taken in by police and then back out on
the streets again within the week. She wondered what could be done to keep them off the
street much longer or to have their punishment have more of an impact.

On motion of Capan and seconded by Middaugh, at 8:48 p.m., this meeting was
ADJOURNED

MAYOR

CLERK-TREASURER